### RESOLUTION NO. PZB 2015 - 03 1 2 ADMINISTRATIVE AMENDMENT (PD) ADD2015-00088 3 4 ADMINISTRATIVE APPROVAL 5 VILLAGE OF ESTERO, FLORIDA 6 7 8 WHEREAS, Publix Super Markets, Inc. has filed an application for an administrative 9 10 amendment to: 11 - Add the use of Package Store to the Commercial Planned Development, CPD 12 zoning for Corkscrew Village Shopping Center 13 Add a Deviation from the Village of Estero Transitional Land Development Code 14 (LDC) §34-1263(e) to reduce the minimum setback of 500 feet from any religious 15 facility to 371.85 feet from the Happehatchee Center. 16 17 LEGAL DESCRIPTION: In Sections 33, Township 46 South, Range 25 East, Village 18 of Estero, Lee County Florida: 19 20 21 ATTACHED AS EXHIBIT "A" 22 WHEREAS, the applicant has indicated the current STRAP number is 33-46-25-E2-23 24 02000.0050 25 WHEREAS, the property was originally rezoned Commercial Planned Development, 26 CPD with the adoption of Resolution Number Z-89-006 (with subsequent amendments in 27 Resolution Number Z-9-006(A), Resolution Number Z-94-069, Resolution Number Z-96-030, 28 PD-96-050, PD-96-065, Resolution Number Z-99-093, ADD2001-00055, ADD2001-00088, 29 30 and ADD2010-00027); and 31 WHEREAS, the applicant has requested this amendment to add the use of Package 32 Store to approved permitted uses, and a deviation from LDC Section 34-1263(e) to reduce the 33 separation of a Package Store from a religious facility; and 34 35 WHEREAS, the subject property is designated as Urban Community on the Future 36 Land Use Map of the Village of Estero Comprehensive Plan; and 37 38 WHEREAS, the property owner, FL-Corkscrew Village, LLC, has authorized 39 GrayRobinson, P.A. and Publix Super Markets, Inc. to act as agents to pursue this application; 40 41 and 42 WHEREAS, the Village of Estero Transitional Land Development Code (LDC) 43 provides for certain administrative changes to amend planned development zonings; and 44 45

# WHEREAS, the following findings of fact are offered:

respect to all applications for administrative actions; and

1. The proposed use will not generate any additional traffic as retail use has been a permitted use within the planned development since the original zoning approval; and

WHEREAS, under the provisions of Ordinance 2015-01 of the Village of Estero, the

Planning and Zoning Board has been delegated the authority to make determinations with

The proposed use will not generate the need for additional parking spaces;

3. The approval of this amendment does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; and

4. The amendment does not result in a reduction of total open space provided on the master concept plan by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code; and

5. The amendment does not decrease preservation areas, buffers, or landscaping areas, and

6. The amendment and deviation are not expected to adversely impact surrounding land uses. The religious facility (Happehatchee Center) is located across a major roadway (Corkscrew Road).

7. The Planning and Zoning Board has taken action at a duly constituted public hearing after due public notice.

**NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for administrative approval for an amendment to planned development zoning to add the use of Package Store and the deviation to reduce the setback from 500 feet to 371.85 feet are APPROVED, subject to the following conditions:

1. The use of Package Store is added to the permitted uses within this planned development and is limited to operating hours of 10:00 AM through 9:00 PM Monday through Saturday, and 10:00 AM through 8:00 PM Sunday.

2. The approval is limited to unit 130 of the shopping center.

3. If it is determined that inaccurate or misleading information was provided to the staff or the Planning and Zoning Board, or if this decision does not comply with the LDC when rendered, then, at any time, the Planning and Zoning Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with LDC Chapter 34.

| 91<br>92   | PASSED A                          | AND DULY ADOI | PTED this <u>al<sup>st</sup></u> day of <u>Ju</u> | <u>ely</u> , 2015. |
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|            |                                   |               |   | V                  |
| 93         |                                   |               | 171 1 CT OT TOT                                   | TDO TI ODID (      |
| 94         |                                   |               | VILLAGE OF EST                                    |                    |
| 95         |                                   |               | PLANNING AND 2                                    | CONING BOARD       |
| 96         |                                   |               | () (  |                    |
| 97         |                                   |               | X   | Table              |
| 98         |                                   |               | Dear  | Speron             |
| 99         |                                   |               | Roger Strelov                                     | v, Chairman        |
| 100        | 9                                 |               |   |                    |
| 101        | Attact.                           |               |   |                    |
| 102<br>103 | Attest:                           |               |   |                    |
| 103        |                                   |               |   |                    |
| 104        | Dru Valla                         | 1             |   |                    |
| 105        | By: <u>Kathy</u><br>Kathy Hall, M | MC            |   |                    |
| 107        | Village Clerk                     | IVIC          |   |                    |
| 107        | village Clerk                     |               |   |                    |
| 109        |                                   |               |   |                    |
| 110        | Reviewed for legal                | sufficiency   |   |                    |
| 111        | reviewed for regar                | Sufficiency   |   |                    |
| 112        | By: Manen                         | Down D        |   |                    |
| 113        | Nancy Stroud, J                   | Esq.          |   |                    |
| 114        | Time j Suburq,                    | 224.          |   |                    |
| 115        |                                   |               |   |                    |
| 116        |                                   |               |   |                    |
| 117        |                                   |               |   |                    |
| 118        |                                   |               |   |                    |
| 119        | Vote:                             |               |   |                    |
| 120        | •                                 | ,             |   |                    |
| 121        | Roger Strelow                     | Yes_ V        | 1o  |                    |
| 122        | David Crawford                    |               | lo  |                    |
| 123        | Ned Dewhirst                      | Yes about     | No  |                    |
| 124        | Marlene Naratil                   | to recover    | lo  |                    |
| 125        | Jeff Maas                         |               | lo  |                    |
| 126        | Scotty Wood                       |               | lo  |                    |
| 127        | Ryan Binkowski                    | Yes N         | 1o  |                    |
| 128        |                                   |               |   |                    |
| 129        | D 1914                            |               |   |                    |
| 130        | Exhibits:                         |               |   |                    |
| 131        | A – Legal Description             |               |   |                    |
| 132        | B – Master Concept                | t Plan        |   | 161                |
| 133        |                                   |               |   |                    |

### **EXHIBIT A**

## **LEGAL DESCRIPTION**

LOT 5, CORKSCREW VILLAGE, A SUBDIVISION, LOCATED IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 60, PAGE 34 AND 35 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

APPROVED ADD2015-00088 Chick Jakacki, Planner Lee Co Division of Zoning 5/29/2015

STRAP NUMBER

33-46-25-E2-02000.0050

# Jorkscrew Village Naples

21301 S Tamiami Trail | Estero, FL 33928

4,560 SF 2,240 SF 51,420 SF 1,832 SF 1,400 SF

CHRIS'S HALLMARK
PUBLIX LIQUORS
PUBLIX
FOOT SOLUTIONS
PHYSICIANS WEIGHT LOSS

100 200 300 310 310

Current Retailers

Center Size 83,241 SF

Available Space

430

1,050 SF 2,346 SF 2,416 SF 1,400 SF

AGENCY REALTY WORLD FLORIDA, INC. STEVEN L. KNEPPER, DDS, PA ACHIEVA CREDIT UNION GOLDEN GATE CHINESE

340 350 360 380

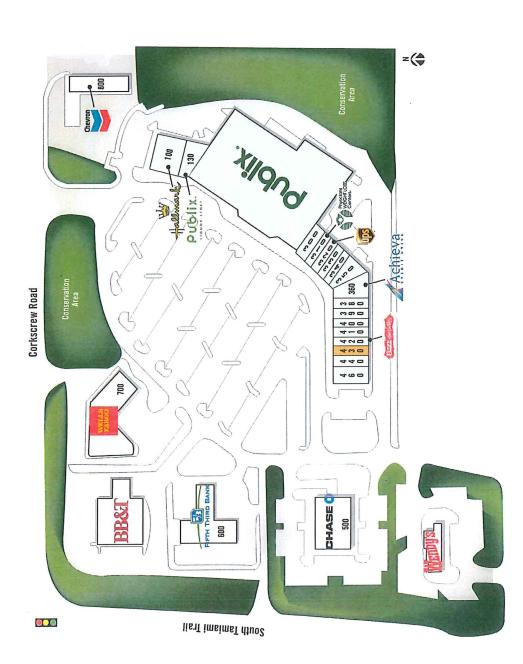
1,400 SF 1,050 SF

CENTERS THE UPS STORE TED A. TODD INSURANCE

320

RESTAURANT
A NAILS & SPA
ROSATI'S PIZZA
CLASSIC CLEANERS
FIRST CHOICE HARCUTTERS
OPTICAL OUTLETS
RISTORANTE FARFALLA
CHASE BANK
FIFTH / THIRD BANK
WELLS FARGO
CHEVRON

390 4 400 4 440 4 460 5 5 0 0 6 0 0 7 0 0 8 0 0



Rev. 04/14/15

☐ NAP (NOT A PART)

LEASED

AVAILABLE

enters. Regency



SarahRowe@RegencyCenters.com

to a transcendation, variantly or guarantee as a sea, foundation, desirable or any branch, the season of any branch or any powermental algories or any other property and for a season of the property of